

DECISION



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24444
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210762

DATE: March 7, 1983

MATTER OF: Starlite Services, Inc.

DIGEST:

1. Allegations of below-cost bidding, insufficient equipment, and inadequate capitalization all relate to responsibility, and they generally do not provide a basis for a protest that GAO will review.
2. Whether successful bidder performs contract in accord with the Service Contract Act is a matter for the Department of Labor, and GAO will not review a bid protest on this basis.

Starlite Services, Inc. protests the award of a contract for custodial services at the Naval Air Station, Cecil Field, Florida, under solicitation No. N624-67-83-B-2248. We dismiss the protest.

Starlite alleges that firms bidding less than \$62,529.97 will be unable to perform required services as frequently as specified; that the suggested list of equipment and suggested cash reserve are in effect mandatory requirements that should be verified or certified before award; that the apparent low bidder is not adequately capitalized and currently is violating the Service Contract Act; and that the incumbent contractor also has not paid employees the minimum wage as required by the Act.

Our Office will not review any of these allegations. The submission of a below-cost bid is not a valid basis on which to challenge an award; rather, the contracting officer must determine whether the bidder can perform at its bid price, a question that relates to responsibility. J&R Cleaning and General Maintenance, B-206280, February 19, 1982, 82-1 CPD 147. The equipment with which the bidder will perform and the bidder's financial status--cash reserves or capitalization--also relate to responsibility, as does the manner in which it is performing current contracts.

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An affirmative determination of responsibility must be made before award. Our Office does not review such determinations unless there is evidence of fraud or bad faith on the part of contracting officials or an allegation that definitive responsibility criteria have not been applied. Id. Neither exception is present here.

Finally, whether the successful bidder performs this contract in accord with the Service Contract Act is a matter for the Department of Labor, which is responsible for its administration. Id.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel